

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOHN SAMIR BAEZ-DAVILA,
Defendant.

CRIMINAL NO. 25-126(GMM)

SENTENCING MEMORANDUM

The United States respectfully requests a guideline sentence of 60 months as to Count One and 18 months as to Count Two to run consecutive to each other as mandated by for a total imprisonment sentence of **78 months** of imprisonment.

The offense conduct

On February 21, 2025, at approximately 6:30 pm, Agents from the Puerto Rico Police Bureau (PRPB) were patrolling near Rd 167 in Bayamon, Puerto Rico using a marked unit equipped with a license plate reader system (LPR) when they identified dark-colored Toyota Corolla that had been reported stolen. The agents imitated a stop of the Toyota Corolla vehicle.

The driver, later identified as John Samir BAEZ-DAVILA, stopped and got out of the vehicle. The officers detained BAEZ-DAVILA for being in control of a stolen vehicle. BAEZ-DAVILA and the two passengers were transported to the PRPB precinct, and an inventory search of the Toyota Corolla vehicle was conducted.

Partially under the driver's seat, and within the direct reach of the driver (BAEZ-DAVILA), agents saw a black cross-body bag¹. The shoulder strap extended into the driver's side floor where BAEZ-DAVILA's feet had been while driving the vehicle. In the cross-body bag agents found one Glock 19 pistol Gen 5, 9x19, 9mm caliber pistol, bearing SN: BHNX-848 loaded with one round in the chamber, and an attached high-capacity magazine that was fully loaded; another three loaded magazines; approximately ninety-two (92) rounds of 9mm ammunition; and approximately four thousand five hundred dollars (\$4,540). In a gray and green plastic bag that was under the driver's seat, PRPB agents found two (2) vacuum-sealed bags containing distribution amounts of cocaine.



For purposes of the plea agreement, Defendant agreed and stipulated that he possessed at least 50 grams but less than 100 grams of cocaine with intent to distribute. Defendant further agreed and stipulated that he possessed the Glock pistol in furtherance of his drug trafficking crimes.

¹ The bag had the names of Defendant's children engraved.

Defendants Background and Characteristics

Defendant is 28 years old. He is healthy with no history of physical or mental problems. ECF No. 15 at ¶¶ 55-58.

Defendant disclaimed any abuse or neglect from his family. ECF No. 15 at ¶ 48. He has two children and is expecting a third. ECF No. 15 at ¶ 49.

He served a term of imprisonment at the local level for the same type of violations as those involved in the instant case: firearms and controlled substances. ECF No. 15 at ¶ 41. He was released from imprisonment in April of 2024 after serving approximately five years. ECF No. 15 at ¶ 25 and 50. He finished his parole in December 23, 2024. ECF No. 5 at p. 3. That is, at the time of his arrest for the instant offense on February 21, 2025, less than two months had passed since he had finished his prior sentence. He is admittedly affiliated to the Ñeta prison gang. ECF No. 15 at ¶ 52.

Defendant completed high school and took a vocational course in gypsum board installation. ECF No. 15 at ¶ 63. He has a history of intermittent employment. After he was released on parole, he was employed for a few months. His employment ended around the same time his parole did (December 2024). ECF No. 15 at ¶ 67. He stated that he engaged in the instant offense because he was unemployed, and he needed to provide for his family. ECF No. 15 at ¶ 25.

Defendant has a history of using Cannabis and Percocet since he was 17 years old. ECF No. 15 at ¶¶ 59-60. At the time of his arrest, he tested positive to Fentanyl. ECF No. 15 at ¶ 62.

Impact of the Plea Agreement

Because the firearm involved in the offense was modified to fire automatically², absent the waiver of Indictment and Plea Agreement, Defendant could have faced a mandatory minimum sentence of 30 years. He also benefited from a stipulated drug amount.

Conclusion

Defendant's history and characteristics reflect a serious risk of recidivism. He committed the instant offense shortly after he finished serving a term of imprisonment for the same type of conduct.

WHEREFORE, considering the circumstances of the offense and Defendant's history and characteristics along with the remaining § 3553(a) factors, the United States respectfully requests a total sentence of **78 months** of imprisonment.

The United States further requests a supervised release term of five years. Finally, the United States requests that, as stipulated in the Plea Agreement, the Court orders the forfeiture of the firearm and ammunition and the \$4,540.00 involved in the offense.

² See ECF No. 1-1.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, June 3, 2025.

W. STEPHEN MULDROW
UNITED STATES ATTORNEY

s/ Jeanette M. Collazo-Ortiz
Jeanette M. Collazo-Ortiz
Assistant United States Attorney
USDC No. 226803
350 Chardon Avenue; Torre Chardon, Suite 1201
Hato Rey, Puerto Rico, 00918
Tel: 787-772-3970
Fax: 787-766-5398
Email: jeanette.collazo@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

s/ Jeanette M. Collazo-Ortiz
Jeanette M. Collazo-Ortiz
Assistant United States Attorney